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Graduates' and Teachers' Constituencies

* 259 *Q.*—DR. A. SREENIVASAN : Will the Hon. the Minister for Finance be pleased to state—

(*a*) whether it is a fact that the Graduates' and Teachers' Constituencies in the State have been recently delimited by the Election Commission ; and

(*b*) whether the State Government was consulted in the matter?

THE HON. SRI C. SUBRAMANIAM : (*a*) The delimitation has been done by the President . . . .

MR. CHAIRMAN : The hon. Member Dr. A. Sreenivasan has not put the question. He is nowhere here.

SRI MOHAMED RAZA KHAN : But the Hon. Minister has started to give the answer.

MR. CHAIRMAN : No, no. The hon. Member is not in his seat, and the question has not been put.

SRI MOHAMED RAZA KHAN : The Government can answer, Sir.

MR. CHAIRMAN : If they want and think it is necessary to do so in the public interest.

THE HON. SRI C. SUBRAMANIAM : I thought the question was put.

MR. CHAIRMAN : The question was not put.

SRI MOHAMED RAZA KHAN : On an important matter like this, the House is entitled to know what the Government reply is.

MR. CHAIRMAN : Then the hon. Member should have put the question on behalf of Dr. A. Sreenivasan.

SRI MOHAMED RAZA KHAN : But once the Hon. Minister started to give the answer, we thought the question was being answered by the Government.

THE HON. SRI C. SUBRAMANIAM : We have no objection to answer the question, Sir.

MR. CHAIRMAN : The hon. Member Sri Raza Khan should not claim this as a precedent. The Hon. Minister gives the answer as he thinks it necessary.

SRI MOHAMED RAZA KHAN : Only courtesy, Sir.

THE HON. SRI C. SUBRAMANIAM : (*a*) The delimitation has been done by the President under section 12 of the Representation of the People Act, 1950, after consulting the Election Commission.

(*b*) Yes, Sir.

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Sri MOHAMED RAZA KHAN : May I know whether the Election Commission has consulted the Madras Government in the allotment of the various members to the different constituencies and whether it was done on any rational basis or whether it was done in an arbitrary way?

The Hon. Sri C. SUBRAMANIAM : It was not done in an arbitrary way. Certain principles were evolved and, according to those principles, the allocation was made. First of all, as far as possible Members belonging to or residing in a particular constituency had to be allotted to their constituencies. That was the principle accepted. So far as the Graduates constituencies were concerned, four Members belonged to the Madras City and Madras City got only two seats. Therefore, we had to make a choice from among the four Members for the allocation of the two seats in Madras. So far as the other two Members were concerned, Sri Sambandhan and Dr. Sivanandam got themselves allocated to their constituencies where they were residing, that is, the Cuddalore constituency and the Madras West. So, the question was which two should get the Madras constituency. Another principle was laid down by the Election Commission and that is, in any constituency there should not be two elections. The Members should retire at the same time, and therefore, Members retiring at the same time should be allotted to the constituency where the election could be held at the same time instead of two elections at different times. Once we make the allotment and the member is elected, he will go on for six years. On that basis we found Dr. A. Lakshmanaswami Mudaliar and Dr. Cherian were the two Members who would retire at the same time. Therefore, they were allotted to the City since two seats were allotted to that constituency. Therefore, naturally the two other Members Sri K. Balasubramanya Ayyar and Dr. A. Sreenivasan had to be allotted to the other two constituencies available. Therefore, this was on the basis of a principle and on a basis which could be considered reasonable also. But the only unfortunate thing was, Madras City got the weightage.

Sri S. K. SAMBANDHAN : May I know on what basis the allocation of Members for the local authorities constituencies was done? Was the same principle adopted in that case also? For instance, I may say that the hon. Member Sri Sudarsanam Naidu who comes from South Arcot has been allotted to Madras even though he had been elected from the South Arcot, Tanjore and Tiruchirappalli local authorities constituency. Some other hon. Members elected by some other constituencies have been allotted to South Arcot and thus our district is deprived of representation after April 1962 till April 1966. Will the Government rectify this error at least?

The Hon. Sri C. SUBRAMANIAM : There is no question of Government rectifying the thing at all. It is a Presidential Order. We make some recommendation. They go through the recommendations on certain principles and on a certain basis, and then the final decision is taken. As a matter of fact,

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this might not have been our recommendation at all. But I am only stating on what basis the allocation was made by the Election Commission, and on which finally the Presidential Order was issued. Therefore, ultimately it is the responsibility of the Election Commission and the Presidential Order. I do not think it would be possible for the Government to alter it just now.

SRI MOHAMED RAZA KHAN : The Government or the Election Commission might have done things with the best of intentions. But to give a particular case, the hon. the Deputy Chairman of the Legislative Council who hails from Coimbatore has been allotted a place in Salem, and, after he retires, he would have to go to Salem to seek re-election and that would mean a good deal of disadvantage to him.

THE HON. SRI C. SUBRAMANIAM : Unfortunately, these things happen when we make changes. That is why an independent authority looks into it and makes the allocations without reference to personalities, whether he be the Deputy Chairman or the Chairman, or the hon. the Leader of the Opposition or the Deputy Leader of the Opposition. Therefore, one should take the judgment of an independent authority as being the best. I do not think we should import personalities into this matter at all.

SRI MOHAMED RAZA KHAN : When there were these difficulties, may I know from the Hon. Minister whether these things could not have been decided by means of a ballot? There are precedents in the Council and Members would have had no objection if they had been allotted to Kanyakumari or the City, even though they may be living in the City, if the thing had been decided by means of a ballot.

THE HON. SRI C. SUBRAMANIAM : Perhaps, if the hon. Member had been the authority to decide, he might have decided things that way. But there could always be two views about it, i.e., whether we should depend on casting lots or whether we should have a principle and apply that principle and come to decisions. Fortunately or unfortunately, the President is the authority and that authority has exercised his discretion in that particular way.

SRI S. NATARAJAN : What is the principle adopted in allotting the existing Members to the constituencies?

THE HON. SRI C. SUBRAMANIAM : I gave the principle on which this was done. As far as possible, persons residing within the constituency should be allotted to that constituency. If it is a double member constituency, we find out whether Members could be allotted in such a way that the elections are held in the same year instead of in two years. If that principle is not there, then perhaps I do not know how they pitch upon the persons or the constituency. They might have cast lots. But I cannot say from here how they did it. They go into the whole case and take a

decision, and their decision has been communicated and that has resulted in the issue of the Presidential Order. Nothing more can be done now.

DR. A. CHIDAMBARANATHAN : Would it not have been desirable on the part of the State Government to have consulted the concerned persons to express their preference before making recommendations to the Election Commission?

THE HON. SRI C. SUBRAMANIAM : That would have led to greater difficulties, because each person might give his preference and two persons might have given preference to the same constituency, and we would be put in a very embarrassing situation. Therefore, with reference to the principles adumbrated by the Election Commission, we make recommendations and that is scrutinized by the Election Commission, an independent authority. They decide and make recommendations to the President, and the President also exercises his mind. Ultimately, the decision is taken. In these cases we should not take into account the personal inconveniences, because at the time of any change there are bound to be personal inconveniences, and the only thing could have been to leave it as it was. But it was decided that that was not desirable. Therefore, this is quite inevitable in the circumstances

11-10 a.m. SRI K. BALASUBRAMANYA AYYAR : I do not blame the Government of Madras, but it is a question of principle. People have not been elected on a general basis like myself, Dr. Mudaliar and the Hon. Chairman. How can we divide the voters? You are now making me a Member to represent Thanjavur and Tiruchirappalli. I am not complaining about it. What I am saying is this. I was elected for the whole State. Now, retrospectively you delimit my constituency to Thanjavur and Tiruchirappalli. I think it is wrong on principle. I can understand your doing it for the future. I have no ojection. But, for you to come now and tell a person who has been elected and who represents the whole State. " No, represent only Tanjore and Tiruchirappalli " is not fair. No doubt, I represent *also* Tanjore and Tiruchirappalli. That matter has to be mentioned. I am not blaming the Madras Government at all.

THE HON. SRI C. SUBRAMANIAM : I would like to know whether this is wrong on principle is a constitutional or legal way.

SRI K. BALASUBRAMANYA AYYAR : In a constitutional way.

THE HON. SRI C. SUBRAMANIAM : That matter has been gone into by the highest authorities, and they have found that this is quite constitutional. The Representation of the People Act definitely lays down that it is open to the President to allocate seats, to bifurcate constituencies, and allocate Members to the various constituencies. Absolute discretion is given to the President in this matter under the Representation of the People Act. The hon.

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Member may say that it is wrong to bifurcate seats or constituencies. That is quite a different thing. On principle it was found necessary to bifurcate constituencies because, as it is seen now, if the City got undue weightage, other areas would not get any representation at all. It is a matter of views and opinions. In respect of opinions, principles cannot be brought in because two views are possible and one view has been accepted. Therefore, it is not as if it is such an irrational thing. After all, Sri Balasubramanya Ayyar represented Thanjavur and Tiruchirappalli also. Therefore, he has not been allotted to a constituency wherefrom he did not get any votes and which he did not represent at all.

SRI S. K. SAMBANDHAN : Sri Sudarsanam Naidu was not at all elected from the Madras City constituency.

THE HON. SRI C. SUBRAMANIAM : I was saying about Sri Balasubramanya Ayyar.

SRI T. P. SRINIVASAVARADAN : At present, will the Government recommend to the President that he may stick to the old principle, that is, the system that prevailed before bifurcation?

THE HON. SRI C. SUBRAMANIAM : There is no provision to review the Order of the President.

SRI MOHAMED RAZA KHAN : Is the Finance Minister aware that even the President's Order in the year 1956 with regard to the Graduates' Constituency, when there was some objection, was changed subsequently by a process of increasing the strength of the House?

THE HON. SRI C. SUBRAMANIAM : Reopening the whole question would only lead to further discussion and further bitterness. I would rather request hon. Members to accept the decision as it is. I do not think it will be desirable at this stage to ask the President to review his order. I do find such valid objections as to take it up with the President.

SRI MOHAMED RAZA KHAN : I request, Sir, that a half-hour debate may be allowed on this subject. I am not satisfied with the replies given by the Hon. Minister.

MR. CHAIRMAN : No, I am satisfied and the House is satisfied with the replies given by him. I now pass on to the next question.

SRI MOHAMED RAZA KHAN : Sir, are you not going to allow a half-hour debate on this matter?

THE HON. SRI C. SUBRAMANIAM : The hon. Member is not going to give fresh facts nor get fresh facts.

SRI MOHAMED RAZA KHAN : We can bring them up during the half-hour debate.

MR. CHAIRMAN : No; the Hon. Minister has given full and complete facts, and I do not think any further facts would be given. I have passed on to the next question.

SRI MOHAMED RAZA KHAN : You may pass on as you please, Sir.

(The hon. Member then left the House.)

Teachers' Service Register books

* 260 Q.—SRI G. KRISHNAMOORTHY : Will the Hon. the Minister for Finance be pleased to state—

(a) whether it is a fact that Teachers' Service Register books are not available for sale at the Government Press; and

(b) if so, the step taken or proposed to be taken to make such books available?

THE HON. SRI C. SUBRAMANIAM : (a) No, Sir, the books are available.

(b) Does not arise.

SRI G. KRISHNAMOORTHY : Is it a fact that for some months these books were not available?

THE HON. SRI C. SUBRAMANIAM : Yes, it may be presumed that the books were out of stock for some time before 3rd April 1961, that is, at the time when the hon. Member gave notice of this question. Now, the matter has been rectified.

Activities of quacks

* 261 Q.—VIDWAN T. MUTHUKANNAPPAN : Will the Hon. the Minister for Finance be pleased to state—

(a) whether any Press Release was issued by the Government recently warning the public against the activities of quacks like astrologers, palmists, magicians, fortune-tellers; and

(b) if so, to place a copy on the table of the House?

THE HON. SRI C. SUBRAMANIAM : (a) Yes, Sir.

(b) A copy [a] is placed on the table of the House.

VIDWAN T. MUTHUKANNAPPAN : இவ்வாறு மக்களை ஏமாற்றும் இந்தப் போலிகளைக் கண்டுபிடித்து அவர்கள் மீது ஏதாவது நடவடிக்கை எடுக்கப்பட்டிருக்கிறதா ?

THE HON. SRI C. SUBRAMANIAM : அது எப்படி முடியும்? நாமும் சேர்ந்து ஏமாறும்போது எப்படி நடவடிக்கை எடுக்கிறது என்று தெரியவில்லை. ஏமாந்து போகவேண்டாமென்றுதான் சொல்ல முடியும்.

DR. A. CHIDAMBARANATHAN : Has any specific case of quacks practising as or posing as Siddha Vaidhya experts or having Siddha Vaidhya research centres, etc., been brought to the notice of the Government?

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[a] Printed as Appendix on page 100 infra.